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EXTRAORDINARY

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PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bill was introduced in Lok Sabha on 24th July, 2003.

BILL NO. 46 OF 2003

A Bill to amend the Juvenile Justice (Care and Protection of Children) Act, 2000.

BE it enacted by Parliament in the Fifty-fourth Year of Republic of India as follows:—

1. This Act may be called the Juvenile Justice (Care and Protection of Children) Amendment Act, 2003.

Short title.

56 of 2000.

2. In section 2 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (hereinafter referred to as the principal Act), clause (m) shall be omitted.

Amendment of section 2.

3. In section 32 of the principal Act,—

Amendment of section 32.

(a) in sub-section (1), in clause (i), for the words “any police officer or special juvenile police unit”, the words “any member of a special juvenile police unit” shall be substituted;

(b) after sub-section (1), the following proviso shall be inserted, namely:—

“Provided that the child shall be produced before the Committee without any loss of time but within a period of twenty-four hours excluding the time necessary for the journey.”.

Amendment
of section 33.

4. In section 33 of the principal Act, in sub-section (1), for the words “any police officer or special juvenile police unit”, the words “any member of a special juvenile police unit” shall be substituted.

Amendment
of section 56.

5. In section 56 of the principal Act, the words “or the local authority” shall be omitted.

Amendment
of section 57.

6. In section 57 of the principal Act, the words “or the local authority” shall be omitted.

Amendment
of section 59.

7. In section 59 of the principal Act, in sub-section (2), for the words “for maximum seven days”, the words “for a period generally not exceeding seven days” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Juvenile Justice (Care and Protection of Children) Act, 2000 was brought into force on 1st April, 2001. The said Act was enacted to provide for a juvenile justice system relating to juveniles in conflict with law and children in need of care and protection by adopting a child friendly approach in the adjudication and disposition of matters in the best interests of the children. It also provides for rehabilitation of children through various institutions established under the Act.

2. In a public interest litigation (Civil Writ Petition No. 3447 of 2001), certain provisions of this Act were challenged before the Delhi High Court. The Court observed that some of the provisions of the Act merited reconsideration. Keeping in view these observations, it is proposed to make the following amendments in the Act:—

(i) to have a minimum time period within which a child should be produced before the Child Welfare Committee;

(ii) to do away with the association of any police officer from the inquiry process, who is not trained and has no experience or expertise in child psychology;

(iii) exclusion of local authority from the provisions authorising them to discharge or transfer a child in need of care and protection or a juvenile from the children's home or special home;

(iv) to provide for a flexible period of leave that may be given to child on special occasions like examination, marriage of relatives, death of kith and kin or accident or serious illness of parent or any emergency of the like nature,

accordingly, sections 32, 33, 56, 57 and 59 of the Juvenile Justice (Care and Protection of Children) Act, 2000 are proposed to be amended.

3. This Bill seeks to amend the Juvenile Justice (Care and Protection of Children) Act, 2000 with a view to achieving the above objects.

NEW DELHI;
The 20th June, 2003.

S.N. JATIYA.

G. C. MALHOTRA,
Secretary-General.